

Notice of Allowability

Application No.

09/406,882

Applicant(s)

BURNS, PETER D.

Examiner

Art Unit

Justin P Misleh

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 26 July 2004.
2. ☒ The allowed claim(s) is/are 1 - 27 and 30 - 37 (now renumbered 1 - 13, 20 - 29, 14, 15, 30 - 32, and 16 - 19, respectively).
3. ☒ The drawings filed on 18 October 1999 and 28 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this Examiner's amendment was given in a telephone interview with Anita Marie Barker on 10 November 2004.
3. The application has been amended as follows:
 - o Please **REPLACE Claim 37 with the following**: "The method of Claim 36, wherein said slanted edge has a moderate to sharp transition on a scale at which an image sampling is to be applied."

Response to Amendment

4. The affidavit under 37 CFR 1.132 filed 26 July 2004 is sufficient to overcome the rejection of Claims 1, 2, 4, 6 – 9, 12 – 15, 17, 19 – 22, 26, 27, and 31 based upon Yamamoto et al. under 35 U.S.C. § 102(b).
5. In the Final Office Action, mailed 8 April 2004, the Examiner concluded that Yamamoto et al. inherently involved the use of a two-dimensional digital filter to process at least one of the color records indecently of the other color records based on the fact that all chromatic aberrations are two-dimensional; wherein simply performing dot sequential error correction as described in Yamamoto et al. would not correct for chromatic aberrations. The reference set forth by the

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Applicant, in Exhibit A, shows that not all chromatic aberrations are of a type that cannot be corrected by performing dot sequential error corrections of the type taught in Yamamoto et al. and hence not all chromatic aberration require the use of a two-dimensional digital filter. In conclusion, the Applicant states that Yamamoto et al. does not necessarily imply the use of a two-dimensional digital filter. The Examiner agrees with the Applicant.

Allowable Subject Matter

6. **Claims 1 - 27 and 30 - 37** (now renumbered 1 - 13, 20 - 29, 14, 15, 30 - 32, and 16 - 19, respectively) are allowed.

7. The following is an Examiner's statement of reasons for allowance:

For **Claims 1, 14, 32, and 35**, in view of Exhibit A, as described above, the prior art does not teach or fairly suggest the element of "(c) processing at least one of said digital records with a two-dimensional digital filter independently of the other said digital records."

For **Claims 24, 25, and 30**, the prior art does not teach or fairly suggest detecting similar features in wavelength-dependent digital records using elements of the spatial frequency response method for a slanted edge feature according to the ISO 12233 standard, which also includes computing a first derivative of the feature using a derivative filter to define one or more lines; computing a centroid of each of said and fitting a linear equation to each of the centroids.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

November 10, 2004


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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